

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ANTHONY RIGGINS,	:	Case No. C-1-01-503
	:	
Plaintiff,	:	Judge Dlott
	:	
vs.	:	Magistrate Judge Sherman
	:	
HAROLD CARTER, et al.,	:	<u>PLAINTIFF'S MOTION TO</u>
	:	<u>VACATE TRIAL DATE AND</u>
Defendants.	:	<u>SET NEW TRIAL</u>

MOTION AND MEMORANDUM IN SUPPORT

This case is scheduled for a three day jury trial on November 7, 2005. However, it has recently become clear that Plaintiff's counsel have an unavoidable trial conflict. Both Plaintiffs' counsel are scheduled to try a class action jury trial starting November 1, 2005 which will last at least two weeks. (*Chesher v. Neyer*, S.D. OH No. 1:01-CV-566 (Spiegel, J.)) Therefore, Plaintiff respectfully requests that the November 7, 2005 trial date be vacated and a scheduling conference be conducted by telephone.

Respectfully submitted,

s/ Jennifer L. Branch
Jennifer L. Branch (0038893)
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CERTIFICATE OF SERVICE

I hereby certify that on October 4, 2005, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has

entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

s/ Jennifer L. Branch
Attorney for Plaintiff